

REMARKS

I. INTRODUCTION

Applicants have added new claims 30-31? Accordingly, claims 1-3, 6, 8, 10-11, and 17-31 are presently pending in this application. Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the following arguments.

II. NEW CLAIMS 30--31

Applicants have added new claims 30-31. New claims 30-31 dependent from independent claims 1 and 21 and recite the limitation “wherein said body portion is rigidly coupled to said external surface of said axle beam.” Support for this limitation may be found in paragraphs 0013 to 0014 of the application. Applicants submit that new claims 30-31 do not add any new matter.

III. REJECTION OF CLAIMS 1-2, 6 AND 27-28 UNDER 35 U.S.C. § 102(B)

Claims 1-2, 6 and 27-28 stand rejected under 35 U.S.C. § 102(b) as anticipated by Mitchell et al. (U.S. Patent No. 1,104,534). Applicants respectfully submit that the rejection of claims 1-2, 6 and 27-28 under 35 U.S.C. § 102(b) is improper because Mitchell et al. do not disclose or suggest all of the limitations recited in the claims. In re Paulsen, 30 F.3d 1475, 1478-79, 31 U.S.P.Q.2d 1671 (Fed. Cir. 1994); Verdegaal Bros. v. Union Oil Co. of California, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1997) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”).

Independent claim 1 recites a steer axle assembly including an axle beam and an inverted knuckle yoke having a body portion “coupled to an external surface of said axle

beam...” Applicants respectfully submit that Mitchell et al. do not disclose or suggest a steer axle assembly meeting the above recited limitation.

Mitchell et al. discloses a steer axle assembly having an axle beam 10- and an inverted knuckle yoke 14. The body portion of the yoke 14, however, is not “coupled to an external surface of said axle beam” as recited in claim 1. Instead, the knuckle yoke 14 is journalled within bearings 15 at one end of the axle beam 10 to allow the wheels to tilt. Coupling yoke 14 to an external surface of beam 10 would prohibit such movement and thereby defeat the purpose of Mitchell’s invention. Col. 1, lines 13-20.

Because Mitchaell et al. does not teach or suggest all of the limitations recited in independent claim 1, Applicant submits that the rejection of claim 1 under 35 U.S.C. § 102(b) is improper and requests that the rejection be withdrawn. Further, because each of claims 2, 6 and 27-28 depend from claim 1, Applicant submits that the rejection of claims 2, 6 and 27-28 under 35 U.S.C. § 102(b) is also improper and requests that the rejection be withdrawn. Applicants further submit that Mitchell et al. do not disclose a steer axle assembly meeting the limitations set forth in several of the dependent claims. In particular, Mitchell et al. does not disclose a steer axle assembly in “wherein said body portion extends from said axle beam in an outboard direction and at an angle to said longitudinal axis of said axle beam” as recited in claim 6. In particular, the body portion of yoke 14 extends parallel to the longitudinal direction of the axle beam. Mitchaell et al., Fig. 4. Mitchaell et al. also do not disclose or suggest a steer axle assembly in “wherein said axle beam and said inverted knuckle yoke are formed as a single integrated forging or fabrication” as recited in claim 27. Beam 10 and yoke 14 in Mitchell et al. are

clearly not formed as a single integrated forging or fabrication and are instead separate components as required to allow relative rotation of yoke 14 within beam 10.

IV. REJECTION OF CLAIMS 3, 8, 10-11, 17-26 AND 29 UNDER 35 U.S.C. § 103(A)

Claims 3, 8, 10-11¹, 17²-26 and 29 stand rejected as being unpatentable under 35 U.S.C. § 103(a) over Mitchell et al. (U.S. Patent No. 1,104,534) in view of Beach et al. (U.S. Patent No. 3,423,104). Applicants respectfully submit that the rejection of claims 3, 8, 10-11, 17-26 and 29 under 35 U.S.C. § 103(a) is improper because the combination of Mitchell et al. and Beach et al. does not disclose or suggest all of the claimed limitations and because there is no suggestion or motivation to combine the teachings of Mitchell et al. and Beach et al.

“Patent examiners carry the responsibility of making sure that the standard of patentability enunciated by the Supreme Court and by the Congress is applied in each and every case.” MPEP § 2141 (emphasis in original).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the

¹ No rejection of claims 10-11 is explicitly recited in the Office Action (other than on the Office Action Summary). Based on the remainder of the Office Action, it appears likely that the Examiner intended to reject claims 10-11 under 35 U.S.C. 103 based on the combination of Mitchell et al. and Beach et al. Applicants have therefore addressed the perceived rejection under 35 U.S.C. 103. If the Examiner intended a different basis for rejection, Applicants respectfully request issuance of another Office Action to clarify the nature of the rejection and to allow Applicants to adequately address the issue..

² The Office Action at first indicates that claim 17 is rejected under 35 U.S.C. 102(b) as anticipated by Mitchell et al. The Office Action also rejects claim 17 under 35 U.S.C. 103(a) as unpatentable over Mitchaell et al. in view of Beach et al., however, and explicitly states that Mitchell et al. does not teach several limitations explicitly recited in claim 17. See Office Action of February 20, 2004 page 5 (“Mitchell et al. teaches the claimed limitations except...wherein the spindle assembly is rotatably mounted on the kingpin and includes a mounting body having a bore....”). Accordingly, Applicants have responded to the rejection under 35 U.S.C. 103 believing the rejection under 35 U.S.C. 102 was made in error. In the event that the Examiner did intend to make a rejection under 35 U.S.C. 102, Applicants respectfully request issuance of another Office Action to clarify the nature of the rejection and to allow Applicants to adequately address the issue.

references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.

MPEP § 2143. Applicant submits that the combination of Mitchell et al. and Beach et al. fails to teach or suggest all of the limitations set forth in the claims and that there is no suggestion or motivation to combine the teachings of Mitchaell et al. and Beach et al.

Independent claims 17 and 21 recite a steer axle assembly including an axle beam and an inverted knuckle yoke having a body portion “coupled to an external surface of said axle beam...” Claims 8 and 23 (along with claim 3 which depends from independent claim 1) recite the further limitation “wherein said body portion is welded to an external surface of said axle beam.” As set forth hereinabove, Applicants respectfully submit that Mitchell et al. does not disclose or suggest a steer axle assembly having a yoke with a body portion “coupled to an external surface of said axle beam.” The Examiner argues that Beach et al. discloses an assembly in which the yoke is welded to an external surface of the axle beam and that it would be obvious to combine the teachings of Mitchell et al. and Beach et al. Applicants respectfully disagree. Mitchell et al. specifically teaches a yoke that is rotatably journaled within the end of the axle beam 10 to allow the vehicle wheels to tilt. Coupling the yoke to the external surface of the beam 10—particularly by welding—would prevent rotation of the yoke and thereby defeat the purpose of Mitchell’s invention. Thus, one of ordinary skill in the art would not have looked to modify the assembly of Mitchell et al. in the manner suggested by the Examiner.

Independent claim 17 also recites the limitations “wherein said spindle assembly includes a mounting body having a bore configured to receive said kingpin; and a spindle

coupled to said mounting body.” The Examiner has cited Beach et al. as meeting the recited limitations. The Examiner argues that it would have been obvious to modify Mitchell et al. in accordance with the teachings of Beach et al. to “provide an apparatus which is capable of withstanding high loads and forces”. Although Beach et al. assert that their invention “is capable of withstanding high loads and forces” (col. 1, lines 35-36), Beach et al. do not identify which features of their design produce this benefit. Further, given the apparent integral nature of the spindle and kingpin in Mitchell et al., it is difficult to see how one would achieve an assembly “capable of withstanding high loads and forces” by separating the kingpin and spindle assembly into separate components as recited in claim 17. Accordingly, Applicants submit that there is no motivation to combine this aspect of the teaching of Beach et al. with the teachings of Mitchell et al.

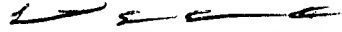
Because there is no suggestion or motivation to combine the teachings Mitchell et al. and Beach et al., Applicant submits that the rejections of claims 3, 8, 10-11, 17-26 and 29 under 35 U.S.C. § 103(b) are improper and request that the rejections be withdrawn. Applicants further submit that Mitchell et al. do not disclose a steer axle assembly meeting the limitations set forth in several of the dependent claims. In particular, Mitchell et al. does not disclose a steer axle assembly in “wherein said body portion extends from said axle beam in an outboard direction and at an angle to said longitudinal axis of said axle beam” as recited in claims 11 and 24. In particular, the body portion of yoke 14 extends parallel to the longitudinal direction of the axle beam. Mitchaell et al., Fig. 4. Mitchaell et al. also do not disclose or suggest a steer axle assembly in “wherein said axle beam and said inverted knuckle yoke are formed as a single integrated forging

or fabrication” as recited in claims 25 and 29. Beam 10 and yoke 14 in Mitchell et al. are clearly not formed as a single integrated forging or fabrication and are instead separate components as required to allow relative rotation of yoke 14 within beam 10.

V. CONCLUSION

Applicant respectfully requests entry of the above amendments prior to appeal on this matter. If the Examiner has any further questions or concerns, the Examiner is invited to contact the Applicant’s undersigned attorney.

Respectfully submitted,



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